

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

THE ROMAN CATHOLIC DIOCESE OF
ROCKVILLE CENTRE, NEW YORK,¹

Debtor.

Chapter 11

Case No. 20-12345 (MG)

**DECLARATION OF JESSE J. BAIR IN SUPPORT OF THE OFFICIAL COMMITTEE
OF UNSECURED CREDITORS' REPLY IN SUPPORT OF MOTION FOR ENTRY OF
AN ORDER PURSUANT TO BANKRUPTCY RULE 2004 AUTHORIZING
EXAMINATION OF WITNESSES AND THE PRODUCTION OF DOCUMENTS**

I, Jesse J. Bair, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, declare:

1. I am a partner with the law firm Burns Bair LLP, special insurance counsel for the Official Committee of Unsecured Creditors ("the Committee") appointed in the chapter 11 case of The Roman Catholic Diocese of Rockville Centre, New York (the "Diocese").

2. I submit this Declaration in support of *The Official Committee of Unsecured Creditors' Reply In Support of Motion for Entry of an Order Pursuant to Bankruptcy Rule 2004 Authorizing Examination of Witnesses and the Production of Documents* (the "Reply").

3. Except as otherwise stated in this Declaration, all facts set forth herein are based on my personal experience and knowledge or information obtained from my review of relevant documents or the review of professionals under my direct supervision.

4. On June 13, 2023, I participated in a virtual meet and confer conference with counsel for Arrowood and counsel for the Diocese regarding a potential expansion of the Committee's intervention rights in the insurance adversary proceeding. Among other topics, I

¹ The Debtor in this chapter 11 case is The Roman Catholic Diocese of Rockville Centre, New York, the last four digits of its federal tax identification number are 7437, and its mailing address is P.O. Box 9023, Rockville Centre, NY 11571-9023.

asked if the parties would agree for the Committee to attend depositions in the insurance adversary proceeding. Neither Arrowood nor the Diocese agreed to that request.

5. Attached as **Exhibit 1** is a true and correct copy of an email exchange between Burns Bair LLP, special insurance counsel for the Committee, and Coughlin Midlige & Garland LLP, counsel for Arrowood, dated August 24, 2023 – August 25, 2023.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on September 8, 2023, in Madison, Wisconsin.

By: Jesse J. Bair
Jesse J. Bair

EXHIBIT 1

From: [Jesse Bair](#)
To: [Adam Smith](#); [Tim Burns](#)
Cc: [Moore, Brett S.](#); [Karen B. Dine](#)
Subject: RE: Rockville Center---Motion for 2004 Discover re: Arrowood
Date: Friday, August 25, 2023 9:54:00 AM
Attachments: [image001.png](#)

Adam—understood. Have a nice weekend.

Jesse Bair
BURNS | BAIR
10 E. Doty Street, Suite 600
Madison, WI 53703
608.286.2840
jbair@burnsbair.com

From: Adam Smith <asmith@cmg.law>
Sent: Friday, August 25, 2023 9:48 AM
To: Jesse Bair <jbair@burnsbair.com>; Tim Burns <tburns@burnsbair.com>
Cc: Moore, Brett S. <BSMoore@pbnlaw.com>; Karen B. Dine <kdine@pszjlaw.com>
Subject: RE: Rockville Center---Motion for 2004 Discover re: Arrowood

Jesse,

If the Committee wanted such a conversation, it would have been best to have it before filing its motion. That being said, there is nothing in the Committee's proposed subpoena to Arrowood that Arrowood believes the Committee is entitled to or is subject to disclosure in this proceeding. Accordingly, there is likely nothing to discuss unless the Committee is prepared to withdraw the motion.

Regards,

Adam

From: Jesse Bair <jbair@burnsbair.com>
Sent: Thursday, August 24, 2023 10:24 PM
To: Adam Smith <asmith@cmg.law>; Tim Burns <tburns@burnsbair.com>
Cc: Moore, Brett S. <BSMoore@pbnlaw.com>; Karen B. Dine <kdine@pszjlaw.com>
Subject: RE: Rockville Center---Motion for 2004 Discover re: Arrowood

[CAUTION - EXTERNAL EMAIL] DO NOT reply, click links, or open attachments unless you have verified the sender and know the content is safe.

Adam—

In an effort to conserve the parties' and the court's time and resources, I wanted to check if there is

any interest on your side to potentially resolving the 2004 request without contested motion practice. For example, if there are 2 or 3 requests that your side finds objectionable, but the rest are fine, the Committee may be willing to withdraw the 2 or 3 objectionable requests if Arrowood agrees to produce materials responsive to the remaining requests.

If you're interested in further discussions along these lines, please let us know.

Best,

Jesse

Jesse Bair

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